

RESOLUTION NO. 2005- 145

DECLARING THE INTENT OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO APPROPRIATE PROPERTY INTERESTS FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT IN ALL OR A PORTION OF THE HEREINAFTER- DESCRIBED PARCELS FOR A TOTAL AMOUNT OF \$62,650.00 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET).

WHEREAS, the Greater Cleveland Regional Transit Authority (the "Authority") deems it necessary and proper to acquire property in support of the Euclid Corridor Transportation Project – Bid Package C-02; and

WHEREAS, it is necessary and proper for the Authority to acquire real property interests at a.) 180 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel number 101-26-028 for ECTP Parcel Number 23, from owner 180 Euclid Avenue, LLC, for the appraised value amount of \$60,400.00 and b.) 1211 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel number 101-37-013 for ECTP Parcel Number 49, from The Union Club Company for the appraised value amount of \$2,250.00 for the purpose of making and repairing roads and the acquisition of right-of-way in conjunction therewith; and

WHEREAS, the sum value of the portion of the lands needed by the Authority is \$62,650.00, a Review Appraiser approved this value, and negotiations were conducted in compliance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended; and

WHEREAS, the Authority and the owners of the properties have been unable to reach agreement concerning the purchase of said lands by the Authority, it will therefore be necessary to commence legal proceedings to appropriate a property interest in said lands by eminent domain pursuant to the Ohio Revised Code Chapters 306 and 163.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That making and repairing roads and the acquisition of right-of-way in conjunction therewith for the Euclid Corridor Transportation Project requires the taking of specific property interests as detailed in Exhibit 1, which is fully incorporated herein by reference, in the following properties: a.) 180 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by 180 Euclid Avenue, LLC, is both necessary and proper, and will further the objectives of the Authority and b.) 1211 Euclid Avenue in Cleveland, Ohio and that the taking of the property owned by The Union Club Company, is both necessary and proper, and will further the objectives of the Authority.

Section 2. That in order to implement and complete improvements for the Euclid Corridor Transportation Project – Bid Package C-02, it is necessary and proper to acquire interests in the lands located at: a.) 180 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel number 101-26-028 for ECTP Parcel Number 23, as set forth on the attached drawing labeled Attachment A depicting the parcel owned by 180 Euclid

Avenue, LLC, which is fully incorporated herein by reference and b.) 1211 Euclid Avenue in Cleveland, Ohio, bearing permanent parcel number 101-37-013 for ECTP Parcel Number 49, as set forth on the attached drawing labeled Attachment B depicting the parcel owned by The Union Club Company, which is fully incorporated herein by reference. Parcels (a) and (b) above shall hereinafter be referred to as the "Property."

Section 3. That the value of the interests in the Property is \$62,650.00. This amount is the value of the interests in the Property as determined by the property appraisal reports and as approved by a Review Appraiser.

Section 4. That the Authority and the owners have been unable to reach agreement concerning the purchase and sale of the interests in the Property. Negotiations were conducted in compliance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended.

Section 5. That it is necessary and proper to declare an intent to appropriate the interests in the Property for the purpose of making and repairing roads and the acquisition of right-of-way in conjunction therewith for the Euclid Corridor Transportation Project – Bid Package C-02

Section 6. That the General Manager/Secretary-Treasurer is hereby authorized to cause written notice of the adoption of this Resolution to be transmitted to the owners or persons in possession of and persons having an interest of record in the Property, and said notice shall be served by the appropriate legal officer of the Authority, and he shall make return of said service of notice in the manner provided by law.

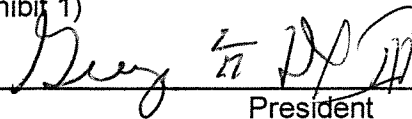
Section 7. That the General Manager/Secretary-Treasurer is hereby authorized to institute legal proceedings to appropriate the interests in the Property in the manner provided in the Ohio Revised Code Chapters 306 and 163, and to authorize payment of the value herein determined from RTA Development Fund, Euclid Corridor Transportation Project Department Budget, including but not limited to Capital Grant OH-03-0247 in the amount of \$39,156.25 and Capital Grant OH-90-X484-01 in the amount of \$23,493.75 for a total amount of \$62,650.00 (\$50,120 in Federal funds which represents 80% of the total cost). Federal funds under Capital Grant OH-90-X484-01 are made available through the Ohio Department of Transportation.

Section 8. That the General Manager/Secretary-Treasurer is hereby authorized to execute all other documents required to acquire and transfer the interests in the Property.

Section 9. That this Resolution shall become effective immediately upon its adoption.

Attachments: Maps and legal descriptions (Attachments A and B)
Property interest spreadsheet (Exhibit 1)

Adopted: October 18, 2005


President

Attest: 
CEO, General Manager/Secretary –Treasurer

PID	
PARCEL	23T
CTY-RTE-SEC	GCRТА-PROJ.38-CO2
Version Date	December 6, 2004

**PARCEL 23-T
GCRТА-PROJ.38-CO2
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
ROADWAY CONSTRUCTION
FOR APPROXIMATELY 24 MONTHS FROM THE DATE OF ENTRY**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being a part of Original Two Acre Lots 86 and 87, also being a part of the lands conveyed to 180 Euclid Avenue, LLC by Instrument No. 200004251209 on file in the Cuyahoga County Recorder's Office and being a parcel of land lying on the right side of the centerline of right of way and construction of Euclid Avenue, bounded and described as follows;

Beginning at a point on the southerly right of way of Public Square South Roadway 51.49 feet right of centerline of right of way and construction of Public Square South Roadway Station 98+68.66 and 8.64 feet right of centerline of construction of East 1st Street Station 49+48.50;

- 1) Thence North 55° 26' 10" East along the southerly right of way of Public Square South Roadway 125.72 feet to the intersection of the southerly right of way of Euclid Avenue at 49.50 feet right of centerline of right of way and construction of Euclid Avenue Station 100+15.68;
- 2) Thence North 79° 10' 01" East along said right of way of Euclid Avenue, 63.01 feet to the northwest corner of lands conveyed to 222 Euclid, LLC and 240 Euclid, LLC by Instrument No. 200309240844 on file in the Cuyahoga County Recorder's Office, at 49.50 feet right of centerline of right of way and construction of Euclid Avenue Station 100+78.69;
- 3) Thence South 34° 23' 29" East along the westerly line of said lands, 1.41 feet to a point at 50.79 feet right of centerline of right of way and construction of Euclid Avenue Station 100+79.25;
- 4) Thence leaving said line, South 63° 44' 20" West, 185.34 feet to the point of beginning.

Containing within said bounds 0.0396 acres of land in Parcel 101-26-028.

Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North.


The stations referred to herein are from the centerline of right of way and construction of Euclid Avenue, centerline of right of way and construction of Public Square South Roadway and centerline of construction of East 1st Street..

This description was prepared by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, Ohio No. 7289.

Date:

12/9/04

Mark A. Yeager
 Mark A. Yeager, P.S. 7289



A circular seal for Mark Allen Yeager, a Registered Professional Surveyor in the State of Ohio. The seal contains the text: STATE OF OHIO, MARK ALLEN YEAGER, S-7289, REGISTERED PROFESSIONAL SURVEYOR.

PID
 PARCEL 49T
 CTY-RTE-SEC GCRTA-PROJ.38-CO2
 Version Date December 13, 2004

**PARCEL 49-T
 GCRTA-PROJ.38-CO2
 TEMPORARY EASEMENT FOR THE PURPOSE OF
 PERFORMING THE WORK NECESSARY FOR
 ROADWAY CONSTRUCTION
 FOR APPROXIMATELY 24 MONTHS FROM THE DATE OF ENTRY**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and being known as a part Sublot No. 64 in J.M. Wooley's Subdivision of part of Original 2 Acre Lots No. 156 to 167 as shown on the plat recorded in Volume N, Page 486 of the Cuyahoga County Plat Records, being also a part of land conveyed to the Union Club Company by Volume 820, Page 441 on file in the Cuyahoga County Recorder's Office and being a parcel of land lying on the left side of the centerline of right of way and construction of Euclid Avenue, bounded and described as follows;

Beginning at the southeasterly corner of the grantor and on the northerly right of way of Euclid Avenue at 49.50 feet left of centerline of right of way and construction of Euclid Avenue Station 122+63.47;

- 1) Thence South 79° 11' 50" West along said right of way, 31.54 feet to a point 49.50 feet left of centerline of right of way and construction of Euclid Avenue Station 122+31.94;
- 2) Thence leaving said right of way, North 08° 13' 38" West, 6.01 feet to a point 55.50 feet left of centerline of right of way and construction of Euclid Avenue Station 122+32.21;
- 3) Thence North 79° 11' 50" East, 31.25 feet to a point on the westerly line of land conveyed to Euclid-13th Parking, LLC. By Instrument No. 200107311855 on file in the Cuyahoga County Recorder's Office at 55.50 feet left of centerline of right of way and construction of Euclid Avenue Station 122+63.45;
- 4) Thence South 10° 59' 43" East along said line 6.00 feet to the point of beginning.

Containing within said bounds 0.0043 acres of land in Parcel 101-37-013.

Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North.

The stations referred to herein are from the centerline of right of way and construction of Euclid Avenue.

This description was prepared by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, Ohio No. 7289.

Date:

12/13/04

Mark A. Yeager
 Mark A. Yeager, P.S. 7289



EXHIBIT 1

ROW Parcel Number	County Auditor's Permanent Parcel Number	ECTP Bid Package	Owner	Acquisition Action	Fee Simple Gross Take (Acres)	Permanent Easement Gross Take (Acres)	Temporary Easement Gross Take (Acres)
23T	101-26-028	C02	180 Euclid Avenue, LLC	Temporary Easement	0.0000	0.0000	0.0396
49T	101-37-013	C02	The Union Club Company	Temporary Easement	0.0000	0.0000	0.0043



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

K-9


DECLARING THE INTENT OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO APPROPRIATE PROPERTY INTERESTS FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT IN ALL OR A PORTION OF THE HEREINAFTER- DESCRIBED PARCELS FOR A TOTAL AMOUNT OF \$62,650.00 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET).	Resolution No.: 2005- 145
	Date: October 13, 2005
	Initiator: Euclid Corridor Transportation Project

ACTION REQUEST:
 Approval Review/Comment Information Only Other _____

- 1.0 **PURPOSE/SCOPE:** The purpose of entering into eminent domain proceedings is to provide a legal right to acquire and transfer needed property rights to construct the Euclid Corridor Transportation Project – Bid Package C-02.
- 2.0 **DESCRIPTION/JUSTIFICATION:** This property is at the May Company Building on Public Square (parcel 23) and the Union Club Building at Playhouse Square (parcel 49). Both properties are vital for right of way needed for the second phase of construction of the Euclid Corridor Transportation Project. These sites must be acquired for the purpose of making and repairing roads to better improve public transportation in Cleveland and the acquisition of right of way in conjunction therewith. Since agreement could not be reached with property owners after fair negotiating for a minimum of 45 days, eminent domain proceedings may be initiated. Construction is anticipated to commence in 2nd Quarter 2006.
- 3.0 **PROCUREMENT BACKGROUND:** Does Not Apply.
- 4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** Does Not Apply.
- 5.0 **POLICY IMPACT:** This is consistent with GCRTA's Real Estate Policy, which states that the Board of Trustees must approve all eminent domain proceedings. Initiating eminent domain proceedings after 45 days of fair negotiating is consistent with the ECTP Real Estate Acquisition Policy Manual (RAMP). A 30-day minimum is generally accepted under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. These thresholds were satisfied with each of the subject property owners.
- 6.0 **ECONOMIC IMPACT:** The purchase price is payable from the RTA Development Fund, Euclid Corridor Transportation Project Department Budget, including but not limited to Capital Grant OH-03-0247 in the amount of \$39,156.25, line item 13.75.91 and Capital Grant OH-90-X484-01 in the amount of \$23,493.75, line item 13.75.91 for a total amount of \$62,650.00 (\$50,120 in Federal funds which represents 80% of the total cost). Federal funds under Capital Grant OH-90-X484-01 are made available through the Ohio Department of Transportation. The amount authorized by the resolution is the appraised value of the properties. A Review Appraiser approved the Fair Market Value Estimate in the appraisal report.

- 7.0 ALTERNATIVES: There are no viable alternatives to purchasing these properties because the right of way needs for the project require these acquisitions. Since the Authority could not reach agreement with the owners, eminent domain proceedings must be initiated in order to move forward with the Euclid Corridor Transportation Project on schedule.
- 8.0 RECOMMENDATION: This property acquisition was reviewed by the Board of Trustees Planning and Development Committee at their October 4, 2005 meeting. Further negotiations since October 4, 2005 have not been successful. Staff recommends that the Board of Trustees approve the resolution to authorize initiation of eminent domain proceedings.
- 9.0 Attachments: Does Not Apply.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



CEO, General Manager/Secretary-Treasurer